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MONITORING THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN

Physical violence against detained women that is specific to their sex

Report of the Secretary-General

Summary

This report has been prepared pursuant to Economic and Social Council resolution 1990/5 of 24 May 1990. It is based on the analysis of information provided by 36 Governments.

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INTRODUCTION

1. The issue of physical violence against detained women that is specific to their sex was first raised in the Commission on the Status of Women at its thirtieth session in 1984, when a report was requested to be presented on the subject at the thirty-first session. A report (E/CN.6/1986/11) was duly prepared for that session based on replies from 17 States. 1/ On the recommendation of the Commission, the Economic and Social Council adopted resolution 1986/29 of 29 May 1986 entitled "Physical violence against detained women that is specific to their sex". That resolution requested the preparation of a further report, based on the replies of those Member States that had not replied for the 1986 report. The requested report (E/CN.6/1988/9), based on the replies of 41 States, 2/ was submitted at the thirty-second session of the Commission.

2. At the thirty-fourth session of the Commission, the issue was raised in the context of the review of communications concerning the status of women. On the basis of its review, the working group on communications convened at that session identified physical violence against women in detention as a serious trend. That issue had been addressed in three previous reports of the working group and, in view of the continuing trend, the working group proposed that the Commission, in keeping with its mandate, should consider recommending appropriate action to the Economic and Social Council.

3. On the recommendation of the Commission, the Economic and Social Council adopted resolution 1990/5 of 24 May 1990. In that resolution the Council noted with grave concern the continuing pattern of physical violence against women while detained, to which the Commission had drawn attention in 1990. The Council called upon all Member States that had not done so to take appropriate measures to eradicate acts of physical violence against detained women and invited those Governments to submit to the Secretary-General a report on legislative and other measures taken to prevent physical violence against detained women that was specific to their sex to enable him to report to the Commission at its thirty-sixth session.

Note: In footnotes 1/ and 2/, country names and designations are those in use when the reports referred to were issued. From footnote 3/ onwards, country names and designations are those that were in use when the data were being compiled.

1/ Argentina, Belgium, Bulgaria, Byelorussian Socialist Soviet Republic, Chad, Chile, Germany, Federal Republic of, Kuwait, Luxembourg, Poland, Portugal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and Zimbabwe. New Zealand reported that no information was available.

2/ Algeria, Australia (Queensland, Tasmania, Victoria and Western Australia), Bahamas, Bahrain, Barbados, Botswana, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, El Salvador, France, German Democratic Republic, Ghana, India, Lesotho, Liechtenstein, Madagascar, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Republic of Korea, Saint Kitts and Nevis, San Marino, Senegal, Spain, Sri Lanka, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom and Yugoslavia.

4. On 25 April 1991, the Secretary-General addressed a note verbale to all Governments of Member States and observers and invited those that had not done so to submit a report on the subject, and others that had supplied pertinent information to the thirty-first and thirty-second sessions of the Commission, to up-date their information. By 14 February 1992, 36 Governments had replied to that request. 3/ In conformity with the mandate given, the present report has been prepared exclusively on the basis of those replies. Due to the limited number of responses, the survey can not be considered a representative sample of the actual situation confronting detained women in all countries.

CONCLUSIONS

5. Most reporting Governments state that they do not have any special legal provisions that cover prevention against physical violence against detained women as such. They say that the offence is adequately covered by general legal provisions and that rules and regulations covering the treatment of prisoners are designed to protect both male and female prisoners from ill treatment.

6. Specific sanctions exist in several countries against the use of force by officers against people in police custody or in prisons, ranging from admonition and fines to immediate dismissal and detention. Very few Governments report cases of sexual abuse.

7. Many Governments, however, state that the number of female prisoners is remarkably low compared with men and that, therefore, any violent behaviour against female inmates could easily be kept under control.

8. In addition to gender-neutral legislative measures, a number of countries have adopted sex-specific administrative measures, including some special regulations for female prisoners, such as segregating detainees by sex, supervising women's prisons or women's sections of general prisons by female wardens, special regulations concerning the work of female prisoners and carrying out body searches of female prisoners by female personnel only. In most cases recreational activities are organized in such a way that male and female prisoners can not meet.

9. A variety of educational and welfare programmes, health care and medical services and possibilities to maintain family relations are available to meet the needs of detained women, and special facilities exist in most reporting countries for women in the pre- and post-natal period and for women with small children. Educational and vocational training programmes seek to facilitate the social reintegration of women after detention.

10. A number of Governments report on complaint and recourse procedures in cases of irregular conduct or acts of violence by supervisory personnel. Most of the available measures are said to afford to prisoners a treatment that respects their personality, basic rights and human dignity.

3/ Australia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia, Botswana, Belarus, Cameroon, Chad, Chile, Cuba, Cyprus, Egypt, Finland, Germany, Ghana, Greece, Guinea-Bissau, Honduras, Lebanon, Malta, Morocco, Norway, Poland, Qatar, Republic of Korea, Saint Lucia, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Ukraine and the United States of America.

I. LEGISLATIVE MEASURES TO PREVENT PHYSICAL VIOLENCE AGAINST DETAINED WOMEN THAT IS SPECIFIC TO THEIR SEX

A. General

11. Twelve Governments indicate that they have no specific legislation to prevent physical violence against detained women and consider that their ordinary legal measures are sufficient to protect both male and female prisoners from ill treatment. 4/ Some Governments 5/ report having ratified international legal instruments concerning the prevention of torture and inhuman or degrading treatment or punishment. As a result, they have integrated the relevant provisions in their national legislation. The major international human rights instruments concerned with detention that are mentioned are the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 34/180, annex, of 18 December 1979) and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex, of 16 December 1966). Other relevant instruments that are not referred to by any reporting Government include the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C I (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, of 17 December 1979) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex, of 29 November 1985).

12. Other Governments indicate a number of measures concerning the treatment of prison inmates that apply equally to persons of either sex. 6/

B. Laws regulating detention

13. Some countries 7/ report on legal norms prohibiting detention or the restriction of liberty without a judicial order, limiting the period for preventive detention, prescribing the places of detention and restricting indeterminate imprisonment. In Botswana, for example, a person detained without warrant of arrest cannot be held for a period exceeding 48 hours, in Spain for not more than 72 hours. Honduras reports that nobody can be detained or kept incommunicado for more than 24 hours without an order of the competent authority and, further, that judicial detention for purposes of investigation can not exceed six days.

14. In some countries, 8/ basically the same laws regulate the detention of persons of either sex. In Spain, detainees are protected under the habeas corpus provision; they can also appeal to the Constitutional Tribunal via the amparo recourse action and can obtain indemnification in case of judicial error.

4/ Australia, Austria, Bahamas, Bolivia, Botswana, Belarus, Cameroon, Chad, Ghana, Norway, Tunisia and Ukraine.

5/ Cyprus, Egypt, Germany, Sudan, Switzerland and Tunisia.

6/ Egypt, Greece, Guinea-Bissau, Morocco, Republic of Korea, Thailand and United States.

7/ Egypt and Spain.

8/ Morocco, Poland, Sudan and Tunisia.

15. Relevant acts in some countries 9/ guarantee to prisoners a treatment respecting their individuality, their honour and their human dignity beneficial to their social rehabilitation. Maltreatment by words or acts as well as unnecessary severity in the execution of the law are forbidden. 10/ The Spanish penitentiary legislation defines in detail the rights of detainees in the medical, sanitary, spiritual, educational and labour spheres. In Cuba, there are special re-educational and training programmes for detainees.

C. Laws prohibiting physical violence

16. Some Governments 11/ indicate that a public official who uses torture, force, coercion, threat or any form of physical or moral violence or abuse on a criminal suspect or any accused person, irrespective of sex, should be subject to criminal prosecution, should be punished by admonition, 12/ a fine, 13/ suspension from duties for a limited period of time, 14/ immediate dismissal, 15/ detention or imprisonment, 16/ or solitary confinement. 17/ One Government states that under no circumstances is physical punishment permitted. 18/

17. Sexual abuse of one inmate by another in jails or prisons constitutes a federal criminal violation of civil rights in the United States only if it can be shown that the abusing inmate's actions are taken with the approval or encouragement of a law enforcement officer. Sexual acts and the use of force or the threat of serious bodily injury to a person in official detention by a person responsible for supervising that person are also subject to sanction. 19/

18. In other countries, the constitution, 20/ a ministerial decree 21/ or other legislation 22/ prohibits any use of torture, inhuman or degrading punishment or other cruel or unusual treatment of detainees as well as the use of force or threat to obtain evidence. In Egypt, criminal action is envisaged against public officers accused of ordering or practising torture or using force against individuals, and the State provides compensation for victims of such aggression. Under the Egyptian Penal Law, public claims in crimes of torture to obtain confessions are non-prescriptive.

19. In Guinea-Bissau, a legal provision declares all evidence obtained by torture, coercion or moral or physical offences against the person as null and void, and the use of inhuman or unnecessarily rigourous procedures is

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9/ Austria, Bolivia, Egypt, Guinea-Bissau, Spain and Sudan.
10/ Spain.
11/ Bahrain, Bolivia, Republic of Korea, Thailand, Tunisia and United States.
12/ Thailand.
13/ United States.
14/ Republic of Korea and Thailand.
15/ Bolivia and Tunisia.
16/ Bahrain and United States.
17/ Thailand.
18/ Thailand.
19/ United States.
20/ Botswana and Egypt.
21/ Chad.
22/ Honduras, Spain and Sudan.

prohibited in the execution of sentences. The Honduran Penal Code contains a definition of violence, coercion and indecent abuse, and contains corresponding sanctions.

20. In Morocco, supervisory staff are prohibited from engaging in acts of violence against prisoners, including the use of abusive language, socially mixing with prisoners, using the services of prisoners for their private purposes, and eating or drinking with them. Violations are subject to sanctions ranging from an admonition to a disciplinary transfer, demotion and dismissal.

21. The Polish Penal Code penalizes all possible acts of violence in prisons, and similarly acts of violence, illegal threat or moral cruelty by policemen to extract confessions. The Spanish Penal Code penalizes torture exercised by public officials, including the use of physical or moral force or any kind of intimidation by the officials. The same sanctions apply to persons who condone such acts.

D. The use of force in exceptional cases

22. In Greece, a number of special measures are authorized in cases where the order and safety of the detention centre is in danger as a result of violent acts by prisoners. However, the carrying of guns is forbidden at all times, and the use of force against inmates is permitted only in cases of legitimate defence, attempts by prisoners to escape or resistance to a lawful command.

23. In Poland, use of physical force is permitted only in cases of non-subordination to orders given by policemen in accordance with the law.

24. The Penal Code in Botswana provides that no sentence of corporal punishment should be passed upon females. However, under the Prisons Act, a prison officer may use "reasonably necessary" force against a prisoner to secure compliance with lawful orders that the prisoner refuses to obey.

E. Special legislation concerning the detention of women

25. The Government of Bahrain states that the penalty of imprisonment for rape and sexual abuse is increased if the offender is a public official and commits the offence during, because of, or in exploitation of the performance of duties. In the Bahamas, a special act excludes the infliction of corporal punishment on female prisoners, and officers have to adhere to a code of discipline for the treatment of female inmates.

26. Acts of sexual violence, indecent behaviour or rape, which are committed by supervisory personnel on detained women in Cameroon, are more severely punished than if they are committed by other individuals.

27. In Poland, there are some exceptions to the general penal provisions concerning criminal offences as applied to women, because of their different physical and psychological characteristics, their lesser threat to the legal order and their greater vulnerability to the inconveniences of incarceration. Therefore, temporary preventive detention is applied to women only when the circumstances and accumulated evidence sufficiently indicate that the person has committed an offence. If a temporarily detained woman has previously been detained by the police, she should be imprisoned within 48 hours in the nearest place of detention for women. Women prisoners generally enjoy more liberal

treatment: for instance, they can leave their place of detention for 10 hours at least once a month; disciplinary penalties have never resulted in their isolation; women have more possibilities to use social, cultural and educational facilities; they are usually placed in semi-open institutions; their cells are larger than those of men, they can arrange them to their own wishes and can wear their own clothing.

F. The incidence of physical violence against detained women and ratio of detained women to total detainees

28. Eleven Governments state that they have no recorded cases of physical violence against detained women specific to their sex. 23/

29. A number of Governments note the low proportion of female to male prisoners. 24/ In 1991, Australia had 13,373 male and 672 female prisoners; in Bahrain only 5 female prisoners were serving sentences; Finland had approximately 110 detained women; and Malta only 3 female detainees. In 1985, Poland had a female prison population of 4,501, which had decreased to 1,554 by June 1991. In Sweden, 739 women were sent to prison in 1989 compared with 14,728 men. In Norway, 100 persons of a total prison population of 2,500 were women.

30. One Government 25/ states that physical violence against detained women to extort from them certain political evidence is rarely reported. Another Government 26/ states that over the last 15 years only two cases of sexual violence against detained women committed by male employees of the women's prison have been reported. One Government 27/ reports a few cases of sexual abuse of female prisoners by officials and states that criminal civil rights violations are pursued by the Criminal Section regardless of the gender of the victim.

II. ADMINISTRATIVE AND OTHER MEASURES

A. Protective measures

Detainees separated by sex

31. The reports of 26 Governments state that male and female prisoners are detained separately in the same prison or in separate prisons, and are also segregated by sex if in police custody. 28/ One Government 29/ mentions its intention to expand the use of separate prison sections for female detainees.

23/ Austria, Bahrain, Belarus, Finland, Germany, Malta, Qatar, Republic of Korea, Sudan, Sweden and Tunisia.

24/ Australia, Bahrain, Finland, Malta, Poland, Saint Lucia, Sweden and Tunisia.

25/ Honduras.

26/ Switzerland.

27/ United States.

28/ Austria, Australia, Bahamas, Bahrain, Bolivia, Botswana, Belarus, Cameroon, Cyprus, Finland, Germany, Guinea-Bissau, Honduras, Lebanon, Morocco, Poland, Qatar, Republic of Korea, Saint Lucia, Spain, Switzerland, Sudan, Sweden, Thailand, Tunisia and Ukraine.

29/ Chad.

32. In Morocco, according to the regulations, a female prisoner is allowed to leave the women's section only if accompanied by a female supervisor. Errands between the prison section and the administrative departments are limited to those strictly necessary and run at different hours for women than for men.

33. In Bolivia, because of the difficult economic situation, in two of the new departments prisoners of both sexes have to serve their sentences in the same prison. Where there are no separate prisons, contacts between male and female prisoners are usually proscribed. In the Republic of Korea, an ordinance requires the separate transfer of male and female prisoners.

Special measures for pregnant detainees

34. In Greece, a woman detainee cannot be subjected to the administrative penalty of confinement during pregnancy and for two years after the birth of the child if the child stays with her.

35. In Poland, no measure of compulsion nor the use of firearms may be applied by the police against pregnant women, and it is forbidden to imprison women who are more than six months pregnant. Temporary detention and detention of convicted women who are pregnant or who are bringing up young children may be applied only in case of a serious offence. In such cases, the court is obliged to consider the possibility of postponing the execution of the sentence or to interrupt it. In addition, pregnant and breast-feeding women enjoy special rights, such as longer walks or more frequent purchases of foodstuffs; also, they cannot be deprived of the right to receive visits of family members.

36. In Honduras, special installations are provided in the prisons for the treatment of pregnant detainees, although the delivery itself takes place in a civil maternity clinic.

37. In Switzerland, pregnant prisoners have to undergo weekly medical check-ups. Deliveries take place in civil hospitals.

38. Penitentiary legislation in Spain provides special food rations for pregnant and lactating women and provides that in special departments of the prison the necessary obstetrical equipment is available for the treatment of pregnant prisoners, of women who have just given birth and for urgent deliveries. Under Spanish legislation pregnant and lactating women cannot be put in isolation cells until six months after having given birth, nor can women who have their children with them.

39. Thailand reports that women are allowed to receive pre- and post-natal care from the hospitals or health stations in the vicinity of the prison. In Egypt, special treatment and appropriate medical care is accorded to pregnant women. In Tunisia, capital punishment on a pregnant woman can only be carried out after delivery.

Accommodation for detained women with children

40. In some countries, 30/ children under two years of age of detained women can stay with their mothers. In another one, 31/ nurseries are provided for

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30/ Bahrain, Egypt and Switzerland.
31/ Honduras.

children up to the age of two. In Tunisia, detained women can keep their children at least up to the age of three, and upon request, even longer. Guinea-Bissau reports that prisons have specially designed facilities for pregnant women or women with children under the age of three, and they also contain nurseries for the care of those children.

41. In Spain, detained women or women prisoners can keep their children with them up to school age, they can get medical assistance for their children, and in some prisons, nurseries and kindergartens are provided. In Thailand, detained women are allowed to care for their own children until they are old enough to be sent out of the prisons to be cared for by relatives or in children's homes. By law, such children are allowed to live with their mothers in the prisons and are cared for by the Government until the age of 16.

Special regulations concerning work for female prisoners

42. Egypt reports that hard labour sentences on female prisoners should be served in general prisons, and not in top security prisons, which are exclusively male, that punishments such as flogging may not be imposed on female prisoners and that convicted women may not be required to do labour except inside the prison and should do suitable work.

43. In Greece, prisoners who are pregnant or in a post-partum state or who are breast-feeding may be offered work befitting their circumstances and should have the same privileges regarding working hours and safety measures as non-incarcerated women. In Lebanon, detained women have to carry out manual work according to their training and abilities, under the same conditions as factory workers.

44. In Switzerland, penitentiary work of pregnant inmates is determined in consultation with the doctor and the woman concerned. If the woman is totally unfit for work, she receives a small daily subsidy for her expenses.

Special sanctions for the abuse of supervisory power

45. In some countries, 32/ sexual intercourse between a man and a woman involving abuse of his occupational authority is penalized. Cameroon, for example, states that supervisory personnel who do not respect the laws and regulations aimed at protecting detained women from any kind of attack from male officers are subject to disciplinary sanctions ranging from admonition and reprimand to dismissal. Special sanctions are applied in Cuba against any individual who, while wearing a military uniform or appearing as a public official, violates the physical or moral integrity of a detained woman by sexual abuse or harassment.

46. A stricter than ordinary punishment is administered in Egypt if someone in a supervisory capacity or with authority over the victim uses or threatens force or perpetrates or attempts to perpetrate indecent assault.

47. In Switzerland, the Penal Code applies severe sanctions against a man who, in the exercise of his authority, sexually abuses a woman, especially a woman in detention. If a man commits an act of violence, even without sexual

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32/ Republic of Korea and Spain.

connotation, against a woman put under his care or supervision, those offences are prosecuted.

Supervisory staff

48. Some countries 33/ state that in prison sections for female prisoners, mainly women are employed as staff. In other countries, 34/ female prisoners are under the exclusive supervision of female staff members. One Government 35/ reports its intention to arrange for the supervision of female prisoners by female officers.

49. In Bahrain, detained women are supervised by policewomen assisted by women sociologists. In Botswana, if a prison houses prisoners of both sexes, a female officer is responsible for the care of the female prisoners. In Cyprus, women kept in police custody as well as women in prisons are placed under the supervision of women officers. In Lebanon, the male chief of the prison can enter the women's section only in the presence of a specified number of police officers. In Morocco, the female supervisor is personally responsible for ensuring that no female prisoner leaves the women's section unaccompanied, and only that female supervisor can escort a female prisoner to the office of the court's clerk in order to fulfil procedural formalities. Austria states that if no female staff member is available, visits to the women's section can be made only by two male staff members together.

50. Finland reports positive experiences with male prison guards serving in the workshops of detained women. It also reports that because of the permanent presence of supervisory staff in the prison, it is almost impossible for detained women to suffer violence from detained men even when they are together during some leisure activities.

51. In the Australian Capital Territory, particular supervision is provided to young or apparently mentally disordered female detainees.

Searches of detained women

52. In several countries, 36/ all searches of female prisoners have to be conducted or witnessed by female police officers or female correctional officers. In South Australia, strip searches of female prisoners must be done in the presence of at least two other females, and only a medical practitioner may introduce anything into an orifice of the prisoner's body for the purpose of a search. In Botswana, searches of a female prisoner can only be carried out by another woman. In the absence of a female police or prison officer, any other woman may be specially named by a peace officer to conduct the search.

33/ Austria, Greece and Republic of Korea.

34/ Bahamas, Bolivia, Botswana, Egypt, Lebanon, Malta, Morocco, Qatar, Saint Lucia, Sweden, Thailand, Tunisia and Ukraine.

35/ Chad.

36/ Australia, Finland, Germany, Poland, Republic of Korea, Sudan and Sweden.

B. Access to detained women

53. Some countries 37/ report that periodic visits to detained women by their family members are permitted in accordance with prison rules. In the Bahamas, visitors are accompanied by an officer throughout the visit.

54. In Lebanon, representatives of women's organizations are allowed to visit female prisons following prior authorization by the Minister of the Interior in order to provide the inmates with orientation, counselling and vocational guidance. No men other than the chief or deputy chief of police, the chief of the regiment, administrative supervisors and the public prosecutor or his deputy are allowed to enter women's prisons. Similarly, husbands or children of prison supervisors are not allowed access to women's prisons. Morocco reports that a man is allowed to have access to a women's prison section only for official reasons and only if accompanied by a female supervisor. Similarly, no women are allowed access to the men's section.

55. In the Republic of Korea, persons who want to pay a visit of inspection to a prison where persons of the opposite sex are accommodated need prior approval from the Minister of Justice. Only a limited group of persons specifically enumerated in the Penal Administration Enforcement Ordinance are allowed to inspect a woman in solitary confinement.

56. In Botswana, any male prison officer who enters a cell in which a female prisoner is confined without being accompanied by a female prison officer shall be guilty of an offence.

C. Re-education and welfare measures

57. Malta reports that for the last 150 years female prisoners have been looked after by nuns of the religious order of the Sisters of Charity. In Qatar, the activities in the women's prison, designed for the purpose of rehabilitation after the completion of the sentences, are under the supervision of a group of female specialists from the country's Red Crescent Society. In Bahrain, prison buildings for women detainees contain premises for training in appropriate occupations such as nursing.

58. Another Government 38/ reports on a special women's prison, separated from the ordinary penal institutions, that reports to the national social welfare board. It is conceived as a rehabilitation centre and has sections for minors, for women over 18 years of age, for pregnant women and for women with children of less than two years of age, as well as a nursery for children up to seven years of age. It also has special education and training sections.

59. In Spain, various measures have been introduced in order to facilitate reporting by women to the police and to improve the living conditions of detained women. Among those measures are the provision of special services for women at police stations, training of security forces in respect for women's rights and their equal treatment, sensitization courses for security forces in order to be able to respond to the special needs of women and

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37/ Bahrain, Egypt and Thailand.
38/ Honduras.

assistance in the social reintegration of women. To help women in the latter respect, health education campaigns and vocational training programmes have been organized for female prisoners, open departments outside the prison area have been utilized and training courses on the status of women in society have been organized for female educators in prisons.

60. Thailand provides formal schooling, tertiary education, vocational training and formal religious training courses for detained women, after the completion of which participants are awarded formal certificates.

61. One Government 39/ suggests that the more efficient protection of detained women would include a new orientation for prisons towards their educational function in which more emphasis would be put on the social reintegration of women rather than on repression. Another Government 40/ states that a further improvement in penitentiary practice regarding the treatment of detained women depends on a change in court practice to more widely applied penalties other than imprisonment and on an increase in the role of society in the rehabilitation process.

D. Complaints procedure

Inspection

62. In Botswana, official visitors to prisons or visiting committees may enquire into complaints made by prisoners. Such visitors to female prisoners have to be female, or have at least to be accompanied by a female officer. In Egypt, public prosecution and judicial staff are authorized to visit prisons, to inspect prison records and to hear complaints from prison inmates.

Filing of complaints

63. Most Australian States report that women in detention can make complaints to prison visitors or supervisors or use a proper recourse procedure addressed to agencies such as the Ombudsman or the Equal Opportunities Commission. Special bodies to deal with, and investigate complaints of, maltreatment and physical violence during arrest and detention have been set up in Cyprus. Several other Governments 41/ mention the possibility for women prisoners or detained persons in general of lodging complaints to the prison or other authorities.

64. In Honduras, detained persons who have been subjected to torture or abuse have the right to make an application for protection under a habeas corpus provision or are allowed to appear before the appropriate authority. In Poland, a woman may lodge a complaint against a policeman detaining her and that complaint must be submitted to a competent court as quickly as possible. Officers of the Main Board of the Police examine all the complaints filed by victims of abuses. They usually concern beating or other use of physical force by policemen at various stages of the official proceedings. Complaints by women regarding alleged mistreatment or harassment are said to be rare.

39/ Cameroon.
40/ Poland.
41/ Cameroon, Egypt, Greece and Thailand.